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OFFICE OF PETITIONS

In re Application of	:	
Roche et al.	:	DECISION ON PETITION
Application No. 09/676,197	:	TO WITHDRAW
Filed: 28 September, 2000	:	HOLDING OF ABANDONMENT
Atty Docket No.	:	
2000.032200/TT3634	:	

This is a decision on the petition first filed under 37 CFR 1.181 on 23 May, 2003, requesting withdrawal of the holding of abandonment of the above-identified application.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

This application was held abandoned for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on 3 December, 2002. Notice of Abandonment was mailed on 1 May, 2003.

Petitioners assert that a proper response was timely filed. In support of the petition, petitioner submits a copy of a postcard receipt date-stamped 22 January, 2003, acknowledging receipt of submission of formal drawings. Petitioner has also included a copy of the cover letter accompanying the submission of one sheet of formal drawings. The cover letter bears a Certificate of Mailing dated 17 January, 2003.

Furthermore, a review of the record reveals that a copy of the formal drawing and cover letter received on 22 January, 2003, is located therein. As such, the showing is that a response was timely filed, and that the Notice of Abandonment was mailed in error.

For the reasons stated above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

It further is noted that a Notice to File Corrected Application Papers was ailed on 27 February, 2003, requesting correction of the specification to cite Figure 6. A one month period for response was provided. In response, on 17 March, 2003, petitioners filed a response to the Notice, including an amendment. As such, it appears that a timely response to the Notice mailed on 27 February, 2003, has been filed.

The application is being referred to the Publishing Division for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read 'D. Wood', is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions